

REMARKS

Claims 1-15 are now pending in the present application. Claims 1, 2, 4, 5, 10, and 11-13 have been amended in accordance with Examiner's remarks and new claim 15 has been added.

In the Office Action, the Examiner has objected to the drawings under 37 CFR §1.83(a) in that the drawings are deemed not to show every feature of the invention. Applicant has submitted proposed corrections in red ink to the drawings, labeled Figure 1A, 1B, 2 and 3. No new material has been added, however, features disclosed in the narrative of the specification have been illustrated in the amended drawings. In addition, several reference numerals have been corrected so as to be consistent across the various Figures. These changes will be incorporated into a formal set of drawings upon approval of the proposed changes by the Examiner. Reconsideration of this rejection is requested.

Applicant has carefully studied the outstanding Office Action. The present Response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of this application are respectfully requested. No new matter has been added by any of the amendments to the specification. Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejections in view of the foregoing amendments and following remarks.

CLAIM OBJECTIONS

Claims 1-4

The Examiner has objected informalities in claims 1-5. In particular, the Examiner stated:

[O]n lines 5 and 6 of claim 1, more than one string of tubulars are claimed which lack antecedent basis with the two strings of tubulars in the preamble, it is unclear as to how many strings of tubulars are being claimed.

Claims 1 and 5 have been amended to clarify and distinctly claim the subject matter in accordance with Examiner's comments and, where necessary, to address Examiner's concerns. Therefore, Applicant respectfully requests reconsideration and withdrawal of the Examiner's objection based upon the previously stated informalities.

CLAIM REJECTIONS – 35 U.S.C. § 102**Claims 1, 5, 6, and 10-14**

This rejection is respectfully traversed. The Examiner has rejected claims 1, 5, 6, and 10-14 under 35 U.S.C. § 102(b) as being anticipated by Rode (U.S. Patent No. 4,108,318). In particular, the Examiner stated:

Rode [318] shows a heavy duty cart 27 to suspend tubulars from a drilling rig wherein lateral movement can provide lateral separation between a string of tubulars hanging from the cart (figure 17) and a string of tubulars in use with the semisubmersible offshore drilling rig (figures 4, 7, and 10-11; claims 6 and 14) with first and second hoists with rotary tables (unnumbered – figure 1; claim 10). Rode [318] shows the cart 27 moveable on rails 26 (claim 8) and in figure 17, the first string marine risers and BOP (claim 12) and the second string to include an Xmas tree assembly 29 (claim 13).

Claims 1, 5, and 10-14, as now amended, are novel despite the teachings of Rode '318. Rode '318 does not teach or suggest that its device provides lateral separation between two adjacent strings of tubular assemblies suspended from an offshore drilling rig. Such rejection under §102 for anticipation requires that the single reference teach each and every element or step of the rejected claim. *See, Atlas Powder v. E.I. DuPont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984). A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Examiner's continued rejection under §102 fails to meet this test.

Rode '318 does not show every element of the claimed invention, and therefore, does not anticipate the claimed invention. Thus, a rejection under 35 U.S.C. § 102 is improper. Applicant respectfully requests Examiner to withdraw this rejection.

Claims 11-14

The Examiner has rejected claims 11-14 under 35 U.S.C. § 102(e) as being anticipated by Yamamoto et al. (U.S. Patent No. 6,217,258). In particular, the Examiner stated:

Yamamoto [258] shows a method of drilling offshore with the apparatus having a rotary table 26 and a heavy-duty cart 61 to suspend tubulars from a drilling rig wherein lateral movement can provide lateral separation between a string of tubulars hanging from the cart and a string of tubulars in use with the offshore drilling rig (figure 10) suspended over a moonpool 90. Yamamoto shows a semisubmersible offshore rig (claim 14) and shows, in figure 10, the first string marine risers and BOP (claim 12) and the second string to include an Xmas tree assembly (claim 13).

This rejection is respectfully traversed. Claims 11-14, as amended, are novel despite the

teachings of Yamamoto et al. '258. Yamamoto et al. '258 does not teach or suggest that its device is capable of suspending a blow-out prevention device (BOP) attached to a string of marine riser pipes while advancing a second tubular string. While Figure 10 of Yamamoto et al. '258 does show two adjacent tubular strings in the water, the BOP 70 is shown in a stowed position. Moreover, Yamamoto et al. '258 provides no means for adjusting the lateral separation between the two adjacent tubular strings. While the upper substructure 61 can be skidded in relation to the lower substructure 62, the lateral separation between the riser pipe 80 attached to the heavy load hoisting system 40 and the drill strings 34 attached to the drilling hoist system 20 remains constant. Such rejection under §102 for anticipation requires that the single reference teach each and every element or step of the rejected claim. *See, Atlas Powder v. E.I. DuPont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984). A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Thus, Examiner's rejection under §102 fails to meet this test.

Yamamoto et al. '258 does not show every element of the claimed invention, and therefore, does not anticipate the claimed invention. Thus, a rejection under 35 U.S.C. § 102 is improper. Applicant respectfully requests Examiner to withdraw this rejection.

CLAIM REJECTIONS – 35 U.S.C. §103(a)

Claims 1-10

The Examiner rejected claims 1-10 under 35 U.S.C. §103(a), as being unpatentable over Yamamoto et al. (U.S. Patent No. 6,217,258) in view of Pouget et al. (U.S. Patent No. 4,899,682) and Blurton et al. (U.S. Patent No. 3,693,729). The Examiner has stated that:

Yamamoto ['258] shows a heavy-duty cart 61 to suspend tubulars from a drilling rig wherein lateral movement can provide lateral separation between a string of tubulars hanging from the cart and a string of tubulars hanging from the cart and a string of tubulars in use with the offshore drilling rig (figure 10). Yamamoto ['258] shows the cart having an opening on one side 63 (claim 2) and carrying loads greater than 100 metric tons (col. 1, lines 27-31; claim 3 and 9) where the cart is substantially rectangular (figures 3-5) and having an opening and a passageway 63 through which tubulars can be inserted (claims 4 and 7) and substantially funnel shaped (claim 8). Yamamoto ['258] shows a semisubmersible offshore rig (claims 6 and 14) and first 26 and second hoists 45 with rotary tables (unnumbered – figure 1; claim 10). Yamamoto ['258] shows, in figure 10, the first string marine risers and BOP (claim 12) and the second string to include an Xmas tree assembly

(claim 13). However, Yamamoto ['258] shows skids in order to move the cart laterally and fails to show the cart with rails; however, Pouget ['682] shows a semisubmersible rig having a cart 54 including rails in order to laterally move tubulars 61 and Blurton ['729] clearly teaches that skids and rails are equivalents in the art of offshore drilling. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamamoto ['258], as taught by Pouget ['682] and Blurton ['729], to include rails to move a heavy duty cart instead of skids since they are recognized equivalents in the art of offshore drilling as means to effect lateral movement (Blurton ['729], col. 12, lines 29-31), and skids or the rollers with rails would function equally well to move the cart.

This rejection is respectfully traversed. Claims 1, 2, 4, 5, and 10 have been amended. Claims 1-10, as amended, are non-obviousness despite the teachings of Yamamoto et al. '258 in view of Pouget et al. '682 and Blurton et al. '729. The prior art cited by Examiner does not, either alone or in combination, teach or disclose every element of Applicant's invention.

Unlike the device of the present invention, Yamamoto et al. '258 does not teach or suggest that its device is capable of suspending a blow-out prevention device (BOP) attached to a string of marine riser pipes while advancing a second tubular string. While Figure 10 of Yamamoto et al. '258 does show two adjacent tubular strings in the water, the BOP 70 is shown in a stowed position. Moreover, Yamamoto et al. '258 provides no means for adjusting the lateral separation between the two adjacent tubular strings. While the upper substructure 61 can be skidded in relation to the lower substructure 62, the lateral separation between the riser pipe 80 attached to the heavy load hoisting system 40 and the drill strings 34 attached to the drilling hoist system 20 remains constant (see Figure 10, Yamamoto et al. '258). Neither Pouget et al. '682 nor Blurton et al. '729 address this element.

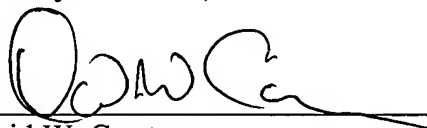
It is well established that as a part Examiner's burden to establish a *prima facie* case of obviousness, Examiner is required to show that the referenced teachings "appear to have suggested the claim subject matter." *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143, 147 (C.C.P.A. 1976). As stated by the Federal Circuit, "Obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination." *In re Geiger*, 815 F.2d 683, 2 USPQ 2d 1276, 1278 (Fed. Cir. 1987). Neither Yamamoto et al. '258 nor Pouget et al. '682 nor Blurton et al. '729, either alone or in combination, teach or disclose every element of Applicant's invention. Examiner has not established a *prima facie* case of obviousness, and the rejection of claims 1-10 should be withdrawn.

CONCLUSION

Applicant has adopted the Examiner's suggestions where applicable and believes the claims are in condition for allowance. It is respectfully urged that the subject application is patentable over references cited by Examiner and is now in condition for allowance. Applicant requests consideration of the application and allowance of the claims. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact David W. Carstens at 972.367.2001.

The Commissioner is hereby authorized to charge any additional payments that may be due for additional claims to Deposit Account 50-0392.

Respectfully submitted,

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